HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.23393 of 2002

Dated: 11.07.2007

Between:

K.V.Ramakrishna Rao

… Petitioner

AND

The Superintending Engineer (Panchayatraj),
Eluru, West Godavari.
and others.

… Respondents

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO.23393 OF 2002

ORDER:

This writ petition is filed for a writ of mandamus to declare the action of respondents in seeking to recover the seigniorage charges already paid by petitioner in respect of works contract covered by agreement No.2/2001-02 as illegal and arbitrary.

It is averred in the affidavit filed in support of the writ petition that in respect of mineral used by the petitioner in connection with the said work, he has been paying the seigniorage fee to the Department of Mines and despite his producing the proof of such payments, the respondents are insisting on deduction of seigniorage fee from the bills payable to him.

Heard Sri K.K.Kishore, counsel representing Sri N.Siva Reddy, learned counsel for the petitioner and learned Assistant Government Pleader for respondents.

Learned counsel for the petitioner placed before me a copy of the order passed in a batch of writ petitions in W.P.No.23078 of 2002 and Batch dated 11.9.2006 wherein the learned Single Judge of this Court has disposed of the writ petitions with a direction to respondent No.3 herein to give credit to the amounts already paid towards seigniorage fee by the petitioner at the source of mining, if they produce evidence to that effect or by calling report from the Mines Department in this regard. It is also directed that the 3rd respondent

shall complete this exercise within a period of three months from the date of receipt of a copy of the order and that the order to be passed by him shall be a speaking order and to be communicated to the petitioners therein.

Since the issue raised in this writ petition is similar, I deem it appropriate to dispose of the writ petition with a similar direction and the order dated 11.9.2006 in W.P.No.23078 of 2002 and Batch is deemed to be incorporated in this order.

The writ petition is accordingly disposed of in terms of the order dated 11.9.2006 in W.P.No.23078 of 2002 and Batch.

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C.V.NAGARJUNA REDDY,J

Dt:11.7.2007
mdaa